

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY DACCA

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E.O. 11652: N/A

TAGS: EINV, BG

SUBJECT: NATIONALIZATION COMPENSATION

REF: DACCA 4462

1. WITH THE SEPTEMBER 15 DEADLINE RAPIDLY APPROACHING, WE BELIEVE THAT IT WOULD BE USEFUL, AS SUGGESTED PARA. 6 OF REFTEL, TO MAKE A GENERAL REPRESENTATION ON BEHALF OF ALL U.S. FIRMS THAT MAY NOT HAVE COMPLETED CLAIMS FOR COMPENSATION BY THAT DATE. WE WOULD LIKE TO OBTAIN ASSURANCES FROM THE BDG THAT IT WILL NOT REJECT OTHERWISE VALID CLAIMS ON THE TECHNICALITY THAT REQUIRED INFORMATION WAS NOT SUBMITTED BEFORE THE DEADLINE, BUT WHETHER SUCH ASSURANCES CAN BE OBTAINED OR NOT, WE NEED TO GO ON RECORD THAT THE U.S. WOULD NOT ACKNOWLEDGE SUCH A TECHNICALITY AS VALID GROUNDS FOR REJECTING A CLAIM WHICH THE U.S. INVESTOR SUBMITTED OR ATTEMPTED TO SUBMIT BY THE DEADLINE. WE LEAVE LIMITED OFFICIAL USE

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THE MANNER OF THIS APPROACH TO YOUR DISCRETION BUT REQUEST

THAT IT BE DONE IN SUCH A WAY AS TO BE APPLICABLE TO ALL U.S. CLAIMANTS TO WHOM THE DEADLINE MAY APPLY, IRRESPECTIVE OF THE PRESIDENTIAL ORDER UNDER WHICH THE PROPERTY WAS TAKEN.

2. WE BELIEVE THAT THE FOLLOWING POINTS SHOULD BE INCLUDED IN THE REPRESENTATION; PLEASE ADD ANY OTHERS YOU CONSIDER ADVISABLE:

-- THE USG HAS NO OBJECTION TO THE SETTING OF A DEADLINE AS A METHOD OF GETTING ALL CLAIMS ON THE TABLE, BUT IT DOES NOT BELIEVE MINOR DELAYS IN FILING SHOULD VITIATE AN OTHERWISE VALID CLAIM.

-- THE USG BELIEVES, HOWEVER, THAT THE DEADLINE SHOULD APPLY ONLY TO THE FILING OF AN INITIAL CLAIM, AND THAT CLAIMS SUBMITTED BEFORE THAT DEADLINE SHOULD BE ACCEPTED EVEN IF THERE ARE IMPERFECTIONS.

-- THE CLAIMANT CAN THEREAFTER BE NOTIFIED OF AND CORRECT ANY IMPERFECTIONS IN A CLAIM.

-- THE USG CANNOT BE EXPECTED TO ACCEPT OVERSIGHTS OR OMISSIONS IN CLAIMS SUBMITTED OR MINOR DELAYS IN FILING AS VALID GROUNDS FOR REJECTING SUCH CLAIMS.

3. THERE IS STILL SOME UNCERTAINTY AS TO WHICH CLAIMS ARE AFFECTED BY THE SEPTEMBER 15 DEADLINE, AND WE WOULD APPRECIATE CLARIFICATION. STATE 215679 REQUESTED THAT YOU ASCERTAIN THIS REGARDING INSURANCE COMPANIES, AND STATE 217052 SOUGHT CLARIFICATION RE BELBAGCO.

4. UPON RECEIPT OF DACCA 4462 WE CONTACTED THE COMPANIES MENTIONED IN PARA. 3. RE ASSOCIATED BAGGING COMPANY, MR. D. LANGSTON INFORMED US THAT AUDLEY'S LEGAL COUNSEL IN DACCA (LAW CONSULTANTS; AT ONE TIME ATTORNEY ON CASE WAS MAUDUD AHMED) HAS BEEN INSTRUCTED TO SUBMIT A CLAIM BY SEPTEMBER 15. WOULD YOU CHECK WITH THEIR COUNSEL AND THE BDG AS TO WHETHER THIS HAS BEEN DONE? RE GALFRA-HABIB, MR. H. SOUKUP OF GIDDINGS AND LEWIS-FRASER SAID THAT, NOT-LIMITED OFFICIAL USE

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WITHSTANDING THE LETTER EXPRESSING A DESIRE TO RETAIN SHARE INTEREST, THE COMPANY WOULD PREFER COMPENSATION IN CASH, AND THAT HE INTENDED TO PURSUE THE MATTER WITHIN THE COMPANY IN LIGHT OF THE DEADLINE. THE RESPONSIBLE PERSON OF PHILIP MORRIS HAS BEEN UNAVAILABLE.

5. FURTHER DACCA 4462, WE ARE UNCLEAR ON THE IDENTITY OF THE OTHER FOUR FIRMS MENTIONED PARA. TWO, BESIDES WARNER-

LAMBERT AND GENERAL TIRE. A QUICK REVIEW OF FILES YIELDS
NOTHING ON MULLER AND PHIPPS.

6. FINALLY, DOES THE BDG CONCLUSION THAT ASSOCIATED

BAGGING, GALFRA-HABIB, AND DACCA TOBACCO INDUSTRIES WERE
NATIONALIZED UNDER P.O. 16 IMPLY THAT THE U.S. OWNERS OF
THESE ENTERPRISES ARE ELIGIBLE FOR COMPENSATION UNDER THE
PAYMENTS CELL'S COMPENSATION SCHEDULE (ASSUMING THE CLAIM
IS SUBMITTED AND THERE IS POSITIVE NET WORTH)? ROBINSON

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